

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

MONKEITH SHAROD TATUM §
VS. § CIVIL ACTION NO. 1:08cv616
JODY R. UPTON §

MEMORANDUM ORDER ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Monkeith Sharod Tatum, an inmate confined at the Federal Correctional Complex at Beaumont, Texas, filed the above-styled civil rights lawsuit.

The court previously referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge recommending this lawsuit be dismissed with prejudice until plaintiff satisfies the requirements set forth in *Heck v. Humphrey*, 512 U.S. 477 (1994).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. No objections were filed to the Report and Recommendation.¹

ORDER

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered

¹ Plaintiff filed what he styled "Objections to the Report and Recommendation." However, the "objections" contain the following two sentences: "Based on *Heck v. Humphrey*, 512 U.S. 477, 486-87, which has not been satisfied, [plaintiff] agree[s] with the report and recommendation that his complaint be dismissed with prejudice until he satisfies the requirements set forth in *Heck v. Humphrey*. Wherefore, the Plaintiff respectfully prays the Court will dismiss his complaint with prejudice [until] the requirements set forth in *Heck v. Humphrey* are [met] by him." Based on this, it is clear plaintiff agrees with, rather than objects to, the Report and Recommendation.

dismissing this lawsuit in accordance with the magistrate judge's recommendation.

SIGNED this the **25** day of **November, 2008**.



Thad Heartfield
United States District Judge